

DOCKET NO: 294695USOPCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

JUNICHI NAKAMURA, ET AL. : EXAMINER: MAKHLIN, ELI S

SERIAL NO: 10/588,318 :

FILED: DECEMBER 26, 2006 : GROUP ART UNIT: 1728

FOR: COATING, AQUEOUS COATING  
MATERIAL AND PROCESS FOR  
PRODUCING COATING USING THE  
SAME, AND COATED ARTICLE WITH  
COATING

DECLARATION UNDER 37 C.F.R. § 1.132

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

Sir:

Now comes Daisuke Nakamura, who deposes and states that:

1. I am a graduate of Oita Prefecture University and received my master degree in the year 2003.

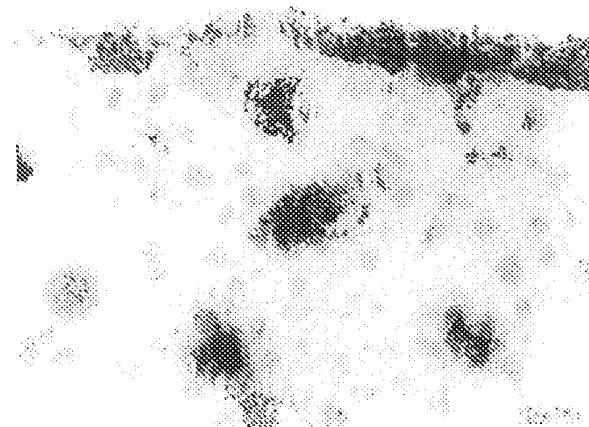
2. I have been employed by Mitsubishi Rayon for 8 years as a researcher in the field of acrylic resin.

3. The following photographs were obtained by me or under my direct supervision and control.

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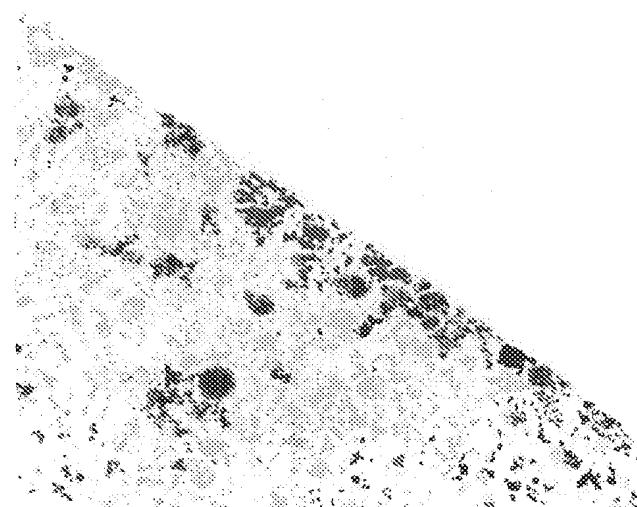
4. Figures 1 and 2 are cross sectional electron microscope photographs of a surface and its vicinity of coatings of Example 11 of the present application and Example 5 of Yanagase.

Figure 1



100,000 x

Figure 2



100,000 x

5. It can readily be observed from these Figures that when a specific non-ionic surfactant is not used together with a specific anionic surfactant, colloidal silica is ~~not~~ uniformly distributed throughout the coating.

*Dai-ichi Kogyo*

6. Although Fuji discloses use of a nonionic surfactant as a dispersant of colloidal silica, it would not be foreseeable to one of ordinary skill in the art that the combination of Yanagase and Fuji would not result in the distribution of the colloidal silica in a coating, but would broach the surface of the coating and concentrate at a surface portion.

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7. The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

8. Further deponent saith not.

Daisuke Natsui  
Signature  
2011. 6. 27  
Date

Customer Number

22850

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